

REMARKS

Claims 1-39 were rejected in the non-final Office Action mailed December 21, 2007. By the present amendment, Applicant elects claims 1 – 34, which remain pending in the application, and claims 35-39 were withdrawn without prejudice to filing continuation or divisional applications. Independent claims 1, 11, 30, and 33 have been amended to clarify the scope of the claimed invention to include the element, “wherein the alias is generated upon matching an account number associated with a portion of an account application with an account number associated with an existing account”. Furthermore, dependent claims 17, 23, 25, and 34 have been amended to clarify the scope of the claimed invention. Reconsideration of the application in view of the accompanying remarks and amendments is respectfully requested.

Restriction Requirement and Election of Claims

The present Office Action requests election between the Group I, claims 1 - 34, drawn to an anonymous transaction system; and Group II, claims 35 - 39, drawn to credit card processing. The Applicant hereby elects Group I, claims 1 - 34, without traverse, and reserves the right to pursue any unelected or withdrawn claims in a divisional or continuation application.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 – 9, 11, 30, and 32 - 34 were rejected by the Office Action under 35 U.S.C. §102(e) as being anticipated by Walker et al., U.S. Patent No. 5,794,207 (“*Walker*”). By the present response, independent claims 1, 11, 30, and 33 have been amended to clarify the scope of the claimed invention of claim 1. In particular, claim 1 has been amended to clarify the claimed invention of claim 1 can include the element “wherein the alias is generated upon matching an account number associated with a portion of an account application with an account number associated with an existing account.” (Underlining supplied). Claims 11, 30, and 33 have been similarly amended. *Walker* does not teach or suggest the amended element of claims 1, 11, 30, and 33.

The Office Action cites *Walker* against Applicants’ original amended claims as disclosing the element, for instance in claim 1, “said identification of said second party

comprising an alias that said second party need not reveal their true identity to said first party to conduct said transaction". See Page 6. While *Walker* generally relates to providing anonymity for buyers and sellers, who often prefer not to reveal their identities to the general public, when engaging in commercial transactions, *Walker* effectuates anonymity of buyers and sellers through the use of identification numbers stored in a database secured by a central controller. See Col. 10, lines 1-7. In particular, *Walker* explains that anonymity is accomplished by including a buyer's or seller's ID in a CPO (conditional purchase offer) 100 or other communication with the other party. See Col. 26, lines 55-66. *Walker* does not disclose or suggest "wherein an alias is generated upon matching an account number associated with a portion of an account application with an account number associated with an existing account." Instead, *Walker* provides the buyer or seller with a user identification or ID without authenticating the identity of the buyer or seller, and only authenticates the user identification or ID when a buyer or seller transaction is facilitated. See Col. 16, lines 51-62; and Col. 19, lines 29-34.

Generally, the Applicants' claimed invention of amended claim 1 authenticates a buyer or seller's identity when an account number associated with an account application is matched with an account number associated with an existing account prior to use of the alias as well as when the buyer or seller uses an assigned password with the alias during a transaction. In contrast, *Walker* only attempts to authenticate a buyer or seller's identity when the user identification or ID is matched against user identifications or IDs in a database, and not prior to the use of or providing the user identification or ID. See Applicants' Specification, Paragraphs [0097], [0099], [0103], [0118], and *Walker*, Col. 8, line 66 – Col. 9, line 8. There is no disclosure or suggestion by *Walker* to authenticate the buyer's or seller's identity prior to using or providing a user identification or ID. In at least one embodiment, the Applicants' claimed invention is believed to be useful for protecting the identity of a credit card holder whereby the credit card holder can enter into relatively secure credit card transactions in complete anonymity. While *Walker* generally relates to providing anonymity for buyers and sellers engaging in commercial transactions, certain deficiencies in *Walker* could inhibit its applicability to buyers in relatively secure credit card transactions.

For at least the above reasons, *Walker* fails to teach or suggest each and every element of

the amended claimed invention, and thus the rejection is believed to be traversed.

Claims 2 – 9, 32, and 34 are ultimately dependent from at least one of independent claims 1, 11, 30, or 33 for which arguments of patentability have been presented above. For at least the reasons provided above, the respective dependent claims are also believed to be in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Dependent claims 12 - 18 were rejected under 35 U.S.C. §103(a) as being obvious over *Walker* in view of Breck et al., U.S. Patent Application No. 20040158532A1 (“*Breck*”). Claims 10, 19 - 29, and 31 were rejected under 35 U.S.C. §103(a) as being obvious over *Walker* in view of Ginter, U.S. Patent No. 6,237,786 B1 (“*Ginter*”). Claims 10, 12 – 29, and 31 are ultimately dependent from at least one of independent claims 1, 11, 30, or 33 for which arguments of patentability have been presented above. For at least the reasons provided above, the respective dependent claims are also believed to be in condition for allowance.

Objection to Claims

The present Office Action objects to claims 2, 4, 5, 7, and 8 as improperly reciting an alternative list using the conjunction “or”. MPEP 2173.05(h) does not prohibit an applicant from reciting an alternative list using the conjunction “or”. On the contrary, MPEP 2173.05(H)(I) and (II) permit an applicant to recite an alternative list using the conjunction “or”. The MPEP states in part that, “Alternative expressions using ‘or’ are acceptable” and “When materials are recited in a claim are so related as to constitute a proper Markush group, they may be recited in the conventional manner, or alternatively.” For at least these reasons, claims 2, 4, 5, 7, and 8 are believed to properly recite alternative elements using the conjunction “or” and the Office Action objection is believed to be traversed.

Claim 17 is believed to be objected to as reciting the informality “a second tine” and the Office Action suggested amendment to “a second line”. Claim 17 has been amended in accordance with the Office Action suggestion, and the Office Action objection is believed to be traversed. If the Applicant is incorrect in characterizing the objection to claim 17, and the Office

Action objection was intended to relate to claim 10, appropriate clarification from the Examiner is requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 23, 25, and 31 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 23, the phrase "the indication provided" was rejected for lack of antecedent basis. To clarify the scope of claim 23, the phrase "the indication provided" has been amended to "the provided indication". Since claim 23 is ultimately dependent from independent claim 11, antecedent basis for "provided indication" can be found in claim 11. Claim 11 recites, among other elements, "providing an indication". In view of the arguments above, the phrases "the indication provided" and "provided indication" are believed not to lack antecedent basis and therefore are not indefinite. Thus, this rejection is believed to be traversed.

Regarding claim 25, the phrase "the website area" has been rejected for lack of antecedent basis. To clarify the scope of claim 25, the phrase "the website area" has been amended to "the area of the website". Since claim 25 is ultimately dependent from dependent claim 24, antecedent basis for "the website area" can be found in claim 24. Claim 24 recites, among other elements, "an area of the website". In view of the arguments above, the phrases "the website area" and "the area of the website" are believed not to lack antecedent basis and therefore are not indefinite. Thus, this rejection is believed to be traversed.

Regarding claim 31, the phrase "the types of transactions performed" has been rejected for lack of antecedent basis. To clarify the scope of claim 31, the phrase "the types of transactions performed" has been amended to "the transactions performed". Since claim 31 is ultimately dependent from independent claim 30, antecedent basis for "the transactions performed" can be found in claim 30. Claim 30 recites, among other elements, "A system of accommodating anonymous transactions between two or more parties, comprising: means for receiving an electronic communication from a first party, said electronic communication identifying a second party to a transaction between said first party and said second party...." In view of the amendment and arguments above, this rejection is believed to be traversed.

Claim Rejections Under 35 U.S.C. § 101

Claims 33 - 34 were rejected under 35 U.S.C. §101 as being unpatentable as directed to non-functional data. Essentially, the Office Action requests replacement of the phrase “computer program code” with the phrase “computer-executable program tangibly embodied on a computer readable medium” to bring the claims into compliance with 35 U.S.C. §101. Claims 33 and 34 have been amended to clarify the scope of the claims, wherein claim 33 has been amended to include “a computer-readable medium comprising computer program code executable by said processor” (Underlining supplied). The rejection of claims 33 and 34 is believed to be traversed.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



Christopher J. Chan
Attorney for Assignee
Registration No. 44,070

DATE: 21 APRIL 2008

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309-3996
Telephone: (404) 853-8000
Facsimile: (404) 853-8806
(First Data 036714US)

Attorney Docket No.: 34250-0843